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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,686	09/25/2003	Wai Man Yuen	412746	8385

30955 7590 12/15/2005

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EXAMINER	
HINZE, LEO T	

ART UNIT	PAPER NUMBER
2854	

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/670,686	YUEN ET AL.	
	Examiner	Art Unit	
	Leo T. Hinze	2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 September 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-36* is/are pending in the application.

4a) Of the above claim(s) *27 and 28* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26 and 29-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *27 and 28* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *25 Septebmer 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *20050622*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-26 and 29-36, drawn to a system and methods for controlling an alarm clock with voice commands, classified in class 368, subclass 73.

II. Claims 27 and 28, drawn to an A/C power socket, classified in class 307, subclass 97.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as supplying power to an electrical device that does not provide an alarm. See MPEP § 806.05(d).

a. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

b. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

c. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

3. During a telephone conversation with Heather Perrin, no. 52,884, on 07 December 2005 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-16 and 29-36. Affirmation of this election must be made by applicant in replying to this Office action. Claims 27 and 28 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-6, 9-11, 14-18, 20, 23, 25, 29, 30 and 33-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Guyett et al., US 6,310,833 (Guyett).

a. Regarding claims 1 and 16, Guyett teaches an alarm clock system, comprising: a microphone (26, Fig. 1) for sensing sound; and at least one processor for processing the sound (10, Fig. 1) to

determine voice commands, and for generating an alarm signal based on the voice commands (Fig. 10; col. 16, l. 48 - col. 17, l. 34).

b. Regarding claim 2, Guyett teaches all that is claimed as discussed in the rejection of claim 1 above. Guyett also teaches a real time clock (34, Fig. 1) for tracking time for the alarm clock system, the alarm signal being generated at a time of the real time clock.

c. Regarding claims 3 and 17, Guyett teaches all that is claimed as discussed in the rejection of claims 1 and 16 above. Guyett also teaches a speaker (42, Fig. 1) responsive to the alarm signal to generate audible sound (col. 7, ll. 41-42).

d. Regarding claims 4 and 18, Guyett teaches all that is claimed as discussed in the rejection of claims 1 and 16 above. Guyett also teaches a radio for generating at least one of music and news as the audible sound ("a radio," col. 5, l. 51; 120, Fig. 3"training).

e. Regarding claim 5, Guyett teaches all that is claimed as discussed in the rejection of claim 1 above. Guyett also teaches a battery for powering the system (24, Fig. 1).

f. Regarding claim 6, Guyett teaches all that is claimed as discussed in the rejection of claim 1 above. Guyett also teaches a modular housing for encasing and protecting the processor (chips in processor 10 inherently have housings that protect the circuits contained therein, Fig. 1), and a communications link between the housing and the microphone (Fig. 1 showing microphone 26 connected to 32).

g. Regarding claim 9, Guyett teaches all that is claimed as discussed in the rejection of claim 1 above. Guyett also teaches a speech synthesis processor (32, Fig. 1) to recognize voice data.

h. Regarding claims 10 and 20, Guyett teaches all that is claimed as discussed in the rejection of claims 9 and 16 above. Guyett also teaches the processor being configurable to initial programming, to identify audible words as voice commands after the initial programming and electronically processing comprising processing the sound and comparing the processed sound to stored data from a learning sequence ("training program," col. 10, l, 66).

i. Regarding claim 11, Guyett teaches all that is claimed as discussed in the rejection of claim 10 above. Guyett also teaches memory (50, Fig. 1) for storing digital data representative of the voice commands.

j. Regarding claim 14, Guyett teaches all that is claimed as discussed in the rejection of claim 1 above. Guyett also teaches a display (36, Fig. 1) for showing time and date information.

k. Regarding claim 15, Guyett teaches all that is claimed as discussed in the rejection of claim 1 above. Guyett also teaches an A/D converter for digitizing the sound for the processor (32, Fig. 1 inherently contains an A/D converter for converting the analog signal from the microphone to the digital domain for storage in memory 50 and further processing by processor 10).

l. Regarding claim 23, Guyett teaches all that is claimed as discussed in the rejection of claim 16 above. Guyett also teaches the step of initiating the step of processing the sound by detecting an initializing audible voice command (col. 6, l. 61 - col. 7, l. 5).

m. Regarding claim 25, Guyett teaches all that is claimed as discussed in the rejection of claim 23 above. Guyett also teaches stopping the step of processing the sound by detecting a terminating audible voice command. As the absence of sound would mean the absence of anything to process, the processor 10 of Guyett would naturally stop processing sound after the voice commands terminate.

n. Regarding claim 29, Guyett teaches a process for setting date and time of an alarm clock system through voice-control, comprising the steps of: sensing engagement of a button (48, Fig. 5) of the alarm clock system, the button being designated, at least in part, for setting date and time; if the button is engaged, automatically and sequentially sensing and storing audible sounds emanating from the user, the audible sounds comprising a plurality of (1) AM or PM, (2) hour of the day, (3) minute of the day, (4) year, (5) month, and (6) day; and automatically setting the date and time within the alarm clock system based on the audible sounds (Fig. 9; col. 15, l. 37-col. 16, l. 47).

o. Regarding claim 30, Guyett teaches all that is claimed as discussed in the rejection of claim 29 above. Guyett also teaches automatically and sequentially sensing and storing (col. 15, ll. 49-58) comprising providing a delay interval ("computer progresses to block 276 and makes a beep... returns to block 266... process is repeated," col. 15, ll. 58-63) between successive audible sounds. There is an inherent delay as the computer processes the sound and progresses to the next step.

p. Regarding claim 33, Guyett teaches a process for setting an alarm for an alarm clock system through voice-control, comprising the steps of: sensing engagement of a button (48, Fig. 5) of the alarm clock system, the button being designated, at least in part, for setting an alarm; once the button is engaged, sensing and storing audible sounds emanating from the user; and automating alarm functions of the alarm clock system based on future use of the audible sounds (Figs. 8, 10; col. 16, l. 48 - col. 17, l. 26).

q. Regarding claim 34, Guyett teaches a process of default programming in an alarm clock system through voice-control, comprising the steps of: entering a learning mode of the alarm clock system (Fig. 7); prompting the user to speak one word of a sequence of words (188, Fig. 7); capturing and

storing audible sounds corresponding to the user's speech of the one word (190, Fig. 7); if additional words exist in the sequence of words, repeating steps (2) and (3) to sense and store audible sounds of every other word in the sequence of words (210, Fig. 7); exiting the learning mode; and responding to the audible sounds corresponding to one or more of the sequence of words to set time, date and to initiate automatic action within and by the alarm clock system (col. 1, ll. 8-12).

r. Regarding claim 35, Guyett teaches all that is claimed as discussed in the rejection of claim 34 above. Guyett also teaches the sequence of words comprising one or more of the following: 0, 1, 2, 3, 4, 5, . . . 10, 11 (col. 11, ll. 30-38).

s. Regarding claim 36, Guyett teaches all that is claimed as discussed in the rejection of claim 31 above. Guyett also teaches prompting comprising one or both of (a) displaying information on a display of the alarm clock system ("flash the location of the next digit," col. 15, l. 59) and (b) electronically synthesizing human speech encouraging the user to speak (266, Fig. 9).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was

commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 24, 26, 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guyett.

a. Regarding claims 24 and 26:

Guyett teaches all that is claimed as discussed in the rejection of claims 23 and 25 above, including voice commands (col. 11, ll. 30-38).

Guyett does not teach wherein the voice commands are "Voice command" and "manual setting."

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Guyett to respond to the commands "voice command" and "manual setting," because a person having ordinary skill in the art at the time the invention was made would recognize that they could make the clock respond to any appropriate words that would convey to the user the import of said words with respect to the subsequent action of the voice recognition system and alarm clock, including, but not limited to, "voice command" and "manual setting."

b. Regarding claims 31 and 32:

Guyett teaches all that is claimed as discussed in the rejection of claim 30 above.

Guyett does not teach delay interval being at least four seconds or eight seconds.

It has been held that mere optimization of ranges is generally not sufficient to patentably distinguish an invention over the prior art. See MPEP § 2144.05 (II).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Guyett such that the delay interval between successive audible sounds was four or eight seconds, because a person having ordinary skill would easily arrive at these intervals in their experimentation to determine the best interval that optimizes the speed of programming which does not annoy the user, with the delay necessary to allow the computer to process the sounds and ensure that they are recognized and stored by the processor.

10. Claims 7, 8 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guyett in view of Korfin et al., US 20020095294 A1 (Korfin).

Regarding claims 7, 8 and 19, Guyett teaches all that is claimed as discussed in the rejection of claim 6 above, except the communications link comprising an electronic wire for positioning the microphone remotely from the housing (claim 7) or the communications link comprising a wireless relay for positioning the microphone remotely from the housing (claim 8).

Korfin teaches a voice user interface for controlling a device, including a microphone built in to the device, attached with a wire, or wirelessly connected (¶ 0033).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Guyett to include either a wired or wireless remote microphone as taught by Korfin, because a person having ordinary skill in the art would recognize that such a microphone would increase the functionality and therefore the commercial desirability and profitability of the

alarm clock by allowing the user more freedom and flexibility to program and control the alarm clock from locations other than adjacent to the alarm clock.

11. Claims 12, 13, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guyett in view of Breimesser et al., US 6,626,358 B1 (Breimesser).

a. Regarding claim 12:

Guyett teaches all that is claimed as discussed in the rejection of claim 1 above, except a wireless transmitter for communicating the alarm to a remote electronic device.

Breimesser teaches a device that generates and alarm (1, Fig. 1) and is wirelessly connected external alarm device (7, Fig. 1).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Guyett to include a wireless transmitter for communicating the alarm to a remote electronic device as taught by Breimesser, because a person having ordinary skill in the art would recognize that such a wireless transmitter for communicating the alarm to a remote electronic device would increase the functionality and therefore the commercial desirability and profitability of the alarm clock by allowing the user more freedom and flexibility to receive an alarm annunciation in a position not directly adjacent to the alarm clock.

b. Regarding claim 13, the combination of Guyett and Breimesser teaches all that is claimed as discussed in the rejection of claim 12 above. Guyett also teaches an electronic device having a wireless receiver and comprising a radio (120, 122, Fig. 3).

c. Regarding claim 21:

Guyett teaches all that is claimed as discussed in the rejection of claim 1 above, except generating an alarm comprising the step of generating a wireless signal to a remote electronic device.

Breimesser teaches a device that generates and alarm (1, Fig. 1) and is wirelessly connected external alarm device (7, Fig. 1).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Guyett to generate an alarm comprising the step of generating a wireless signal to a remote electronic device as taught by Breimesser, because a person having ordinary skill in the art would recognize that such a wireless transmitter for communicating the alarm to a remote electronic device would increase the functionality and therefore the commercial desirability and profitability of the alarm clock by allowing the user more freedom and flexibility to receive an alarm annunciation in a position not directly adjacent to the alarm clock.

d. Regarding claim 22, the combination of Guyett and Breimesser teaches all that is claimed as discussed in the rejection of claim 21 above. Breimesser, as properly combined with Guyett above, also teaches activating the electronic device (7, Fig. 1) upon receipt of the wireless signal (the alarm is activated when the alarm signal is received).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leo T. Hinze whose telephone number is (571) 272-2167. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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08 December 2005